

July 15, 2003 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0297

Andrew M. Condlin, Esquire  
On behalf of  
Virginia S. Odum, as owner and  
MRB Management Group, Inc., as tenant

Bermuda Magisterial District  
Off the west line of Jefferson Davis Highway

REQUEST: Rezoning from Community Business (C-3) and Residential (R-7) to General Business (C-5).

PROPOSED LAND USE:

Expansion of an existing non-conforming golf driving range and miniature golf course is planned. However, with approval of this request other General Business (C-5) uses would be permitted, except as restricted by Proffered Condition 1.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Chester Village Plan which suggests the property is appropriate for general commercial uses.
- B. Improvements to the property will be realized through the rezoning and acceptance of the proffered conditions which provide improved access and parking for the non-conforming site.
- C. The existing outdoor recreational uses, which have been in operation for approximately forty (40) years, have been, and will continue to be, compatible with existing and anticipated future area development.

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- (NOTES: A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.
- B. IT SHOULD BE NOTED THAT REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE REVISED PROFFERS.)

#### PROFFERED CONDITIONS

1. The following uses shall not be permitted:
  - (a) those uses permitted in the I-1 District that are not otherwise permitted in the C-5 District;
  - (b) commercial automobile parking;
  - (c) mass transportation;
  - (d) drive-in theaters;
  - (e) truck terminals;
  - (f) travel trailer parks;
  - (g) auction sales or salvage barns;
  - (h) communication towers;
  - (i) manufactured home, modular home and travel trailer sales, service, repair and rental;
  - (j) material reclamation receiving centers;
  - (k) tractor trailer service stations;
  - (l) building materials sales yards, not including concrete mixing;
  - (m) contractor's shops and storage yards;
  - (n) display sheds, garages, carports and house sales, including "shell" houses sales;
  - (o) freight forwarding, packing and crating services;
  - (p) motor vehicle storage/towing lots;
  - (q) public garages; and
  - (r) utility trailer and truck rental. (P)
2. Within ninety (90) days after approval of this rezoning, the parking areas and driveways, if not otherwise paved, shall be resurfaced with a minimum of six (6) inches of No. 21 or No. 21A stone. (P)

(Note: The property may be accessed across that parcel having a Tax Identification Number 796-608-8797 and/or across those parcels having Tax Identification Numbers 796-660-4549 and 796-660-6637.)

3. In the event the Property is redeveloped for any use other than a golf driving range, miniature golf, and related accessory uses, the Property shall be brought into compliance with the current zoning regulations. (P)
4. The public water system shall be used. (U)

### GENERAL INFORMATION

#### Location:

Off the west line of Jefferson Davis Highway, north of Rio Vista Street. Tax ID 796-661-3916 (Sheet 26).

#### Existing Zoning:

C-3 and R-7

#### Size:

9.2 acres

#### Existing Land Use:

Outdoor Commercial Recreation Use (Existing Holiday Golf Driving Range and Miniature Golf Course)

#### Adjacent Zoning and Land Use:

North - R-7; Vacant

South - C-3; Indoor commercial recreation (Holiday Bowling Alley) or vacant

East - C-3 and R-7; Multi-family residential or vacant

West - R-7; Vacant

### UTILITIES

#### Public Water System:

There is an existing six (6) inch water line extending along the western side of Jefferson Davis Highway, approximately 300 feet east of this site. Use of the public water system is intended and has been proffered. (Proffered Condition 4)

#### Public Wastewater System:

There is an existing fifteen (15) inch wastewater trunk line extending along the northern boundary of this site and a ten (10) inch wastewater collector extending along the eastern and southern boundaries of this site. Use of the public wastewater system is required by County Code.

### ENVIRONMENTAL

#### Drainage and Erosion:

The impervious area drains to the on-site lake while the driving range drains north into Proctor's Creek to the James River. There are currently no on- or off-site drainage or erosion problems with none anticipated after development.

### PUBLIC FACILITIES

#### Fire Service:

The Dutch Gap Fire Station, Company Number 14 and Bensley-Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have minimal impact on fire and emergency medical service.

#### Transportation:

The property (9.2 acres) is zoned Residential (R-7) on 4.3 acres and Community Business (C-3) on 4.9 acres. The applicant is requesting rezoning of the entire property to General Business (C-5). This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, the site could generate approximately 6,460 average daily trips. The applicant intends to continue to use the property for a public golf facility (driving range and miniature golf course). Typical traffic generation information is not available for this use. Traffic generated by development on the property will be distributed along Jefferson Davis Highway (Route 1/301), which had a 2001 traffic count of 27,945 average daily trips.

The property is located within the Jefferson Davis Highway Enterprise Zone. Based on the Board of Supervisors' policy regarding development within the Enterprise Zone, road improvements will not be required by the County. Road improvements may be required by the Virginia Department of Transportation.

At time of site plan review, specific recommendations will be provided regarding internal circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for general commercial uses.

### Area Development Trends:

Adjacent properties to the east are zoned Residential (R-7) and are developed for multi-family residential use. Adjacent properties to the north and west are zoned Residential (R-7) and are vacant. Adjacent properties to the south are zoned Community Business (C-3) and are developed for commercial uses or are vacant. The Plan anticipates general commercial use in this area.

### Zoning History:

A non-conforming golf driving range and miniature golf course with related accessory uses, known as Holiday Golf, have been located on the request property for approximately forty (40) years. The existing uses include a golf driving range, miniature golf course, golf equipment sales, the teaching of golf lessons and related accessory uses. MRB Management Group, tenants, propose to expand the range, however, the non-conforming use may not be expanded or enlarged unless such use conforms to the Zoning Ordinance requirements. The existing zoning and site design does not conform to current Ordinance requirements.

### Use Limitations:

In response to concerns of the Bermuda District Commissioner, Proffered Condition 1 restricts uses that may be permitted on the request property.

### Site Design:

The property currently lies within a Post Development Area. The development standards for Post Development Areas are intended to promote renovation and improvement of areas which have already experienced development by addressing access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

The request property was developed prior to adoption of these standards, and therefore, has not been developed in accordance with these standards. With rezoning, use of the existing buildings and site (parking and driveways) could continue in its current state as non-conforming development and compliance with these standards would not be required unless the site is redeveloped. To provide immediate improvement to the non-conforming site, Proffered Condition 2 requires existing parking areas and driveways, which are not paved, to be resurfaced with six (6) inches of 21 or 21A stone. In addition,

Proffered Condition 3 provides that upon any redevelopment of the site for a use other than the existing golf driving range, miniature golf course and related accessory uses, the site will be brought into compliance with current Ordinance standards. Existing uses include the golf driving range, miniature golf course, golf equipment sales and the teaching of golf lessons.

### CONCLUSIONS

The proposed zoning conforms to the Chester Village Plan which suggests the request property is appropriate for general commercial use. Since the request property was developed prior to adoption of current Ordinance standards, the existing site design does not conform to these requirements. With rezoning, use of the existing buildings and site (parking and driveways) could continue in its current state as non-conforming development. Proffered conditions provide for an immediate improvement to existing driveways and parking areas and provide that upon redevelopment of the property for uses other than the existing golf driving range, miniature golf course and related accessory uses the site will be brought into compliance with current Ordinance standards. Improvements to the property will be realized through the rezoning and acceptance of the proffered conditions.

The existing outdoor recreational uses, which have been in operation for approximately forty (40) years, have been, and should continue to be, compatible with existing and anticipated area development.

Given these considerations, approval of this request is recommended.

